

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

VINCENT GEORGE PARKS,

Defendant.

Case Nos. 2:98-CR-00309-KJD-RJJ
2:03-CR-01250-KJD-RJJ

ORDER

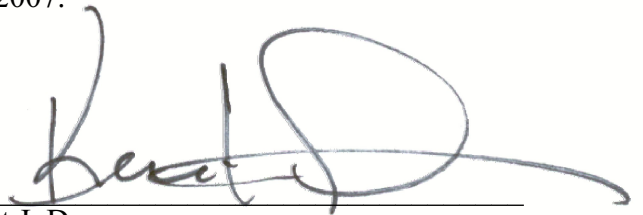
Presently, the Court has before it Movant's Request for a Certificate of Appealability (#112). A movant must obtain a certificate of appealability ("COA") in order to appeal a final order denying a habeas corpus petition. See 28 U.S.C. § 2253(c)(1)(A). A district court may issue a COA when "the applicant has made a substantial showing of the denial of a constitutional right." Id. § 2253(c)(2); United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997). To obtain a COA, a movant must meet the "substantial showing" standard with respect to each issue he or she seeks to raise on appeal. See 28 U.S.C. § 2253(c)(3); Lambright v. Stewart, 220 F.3d 1022, 1024 (9th Cir. 2000). When the court has denied a movant's habeas claims on the merits, the movant must demonstrate that reasonable jurists would find the district court's assessment of the claims debatable or wrong. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000). However, when a district court has denied a petitioner's habeas claims solely on procedural grounds, a COA should issue if: (1) jurists

1 of reason would find it debatable whether the petition states a valid claim of denial of a constitutional
2 right; and (2) jurists of reason would find it debatable whether the district court was correct in the
3 procedural ruling. See id. at 484. In the case of dismissal on procedural grounds, the court may
4 address either of these two components first when assessing a request for a COA. See id. at 485.
5 The district court must either issue a certificate of appealability or state why a certificate should not
6 issue. See Fed. R. App. P. 22(b)(1).

7 Movant fails to delineate which issues he seeks a certificate of appealability. Moreover,
8 Movant has failed to demonstrate that reasonable jurists would find the Court's assessment of his
9 claims debatable or wrong. Most of the issues Movant raised in his §2255 motion were raised in
10 Movant's direct appeal and rejected by the Ninth Circuit. As to the remaining issues, the Court
11 found that they lacked both factual and legal merit.

12 Accordingly, IT IS HEREBY ORDERED that Movant's Request for a Certificate of
13 Appealability (#112) is **DENIED**.

14 DATED this 25th day of January 2007.

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18 Kent J. Dawson
19 United States District Judge
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